

**BEFORE THE PHYSICIAN ASSISTANT EXAMINING COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)
Against:)
)
Jeffrey W. Haines, P.A.)
Certificate # PA-10302)
)
)
)
Petitioner.)
_____)

File No: 1E-94-37452


DECISION

The attached Stipulation is hereby adopted by the Physician Assistant Examining Committee of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on May 22, 1997 .

It is so ordered May 22, 1997 .

**PHYSICIAN ASSISTANT EXAMINING COMMITTEE
MEDICAL BOARD OF CALIFORNIA**



Steven Johnson, PA-C, Chair

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 SAMUEL K. HAMMOND,
Deputy Attorney General, State Bar No. 141135
3 Department of Justice
110 West A Street, Suite 1100
4 Post Office Box 85266
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6 Attorneys for Complainant

7
8 **BEFORE THE**
PHYSICIAN ASSISTANT EXAMINING COMMITTEE
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation) Case No. 1E-94-37452
12 Against:)
13 JEFFREY WILLIAM HAINES, P.A.) STIPULATION FOR
10453 Meadowcreek Dr.) SURRENDER OF LICENSE
14 Moreno Valley, CA 92557)
15 Physician Assistant)
License No. PA-10302)
16 Respondent.)
17

18 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE
19 PARTIES TO THE ABOVE-ENTITLED MATTER THAT:

20 1. Ray Dale complainant, is the Executive Officer of
21 the Physician Assistant Examining Committee, Medical Board of
22 California, Department of Consumer Affairs (hereinafter
23 "Committee") and is represented by Daniel E. Lungren, Attorney
24 General of the State of California, by Samuel K. Hammond, Deputy
25 Attorney General.

26 2. Jeffrey William Haines, P.A. ("respondent") is
27 represented in this matter by Steve J. Simerlein, Esq., Foley,
28 Lardner, Weissburg & Aronson. The respondent has counseled with

1 his counsel concerning the effect of this stipulation which
2 respondent has carefully read and fully understands.

3 3. Respondent has received and read the Accusation
4 which is presently on file and pending in Case No. 1E-94-37452
5 before the Committee, a copy of which is attached as
6 Exhibit A.

7 4. Respondent understands the nature of the charges
8 alleged in the Accusation and that, if proven at hearing, such
9 charges and allegations would constitute cause to impose a
10 disciplinary order on his license.

11 5. Respondent and his counsel are aware of each of
12 respondent's rights, including the right to a hearing on the
13 charges and allegations, the right to confront and cross-examine
14 witnesses who would testify against respondent, the right to
15 present evidence in his favor and call witnesses on his behalf,
16 or to testify, his right to contest the charges and allegations,
17 and other rights which are accorded to respondent pursuant to the
18 California Administrative Procedure Act (Gov. Code, § 11500 et
19 seq.), including the right to seek reconsideration, review by the
20 superior court, and appellate review.

21 6. Respondent is not presently practicing as a
22 physician assistant, however, in order to avoid the expense and
23 uncertainty of a hearing, respondent freely and voluntarily
24 waives each and every one of the rights set forth above, and
25 respondent hereby surrenders Physician Assistant License No. PA-
26 10302 for the Committee's formal acceptance.

27 7. Respondent agrees to pay to the Committee the
28 amount of \$3,000 as the Committee's reasonable cost for

1 investigation and investigation in the case. This amount may be
2 paid by installments provided, however, that the entire amount is
3 paid within nine (9) months of the effective date of the
4 Committee's Decision and Order in this case.

5 8. Respondent understands that in signing this
6 stipulation rather than contesting the accusation, he is enabling
7 the Committee to issue its order accepting the surrender of his
8 license without further process.

9 9. Upon acceptance of the stipulation by the Committee,
10 respondent agrees to surrender and cause to be delivered to the
11 Committee both his wall and wallet certificates. Respondent
12 further understands that when the Committee accepts the surrender
13 of his license, he will no longer be permitted to practice as a
14 physician assistant in California.

15 10. In consideration of the foregoing stipulation and
16 recitals, the Committee upon formal acceptance of respondent's
17 surrender herein agrees to dismiss the Accusation in Case No. 1E-
18 94-37452 now pending.

19 11. Respondent fully understands and agrees that
20 should he ever apply for relicensure or should he ever petition
21 for reinstatement of his California License, the charges and
22 allegations contained in Accusation No. 1E-94-37452 shall be
23 deemed to be true, correct and admitted by respondent.

24 12. All stipulations and recitals contained in this
25 stipulation are made solely and exclusively for the purpose of
26 settlement of Accusation No. 10-94-37452 against Jeffrey William
27 Haines, P.A. It is understood by respondent that, in deciding
28 whether to adopt this stipulation, the Committee may receive oral

1 and written communications from its staff and the Attorney
2 General's office. Communications pursuant to this paragraph
3 shall not disqualify the Committee or its staff from future
4 participation in this or any other matter affecting respondent.
5 In the event this settlement is not adopted by the Committee, the
6 stipulation will not become effective and may not be used for any
7 purpose, except for this paragraph, which shall remain in effect.

8 ACCEPTANCE

9 I, Jeffrey William Haines, P.A., have carefully read
10 the above stipulation and enter into it freely on advice of
11 counsel, and with full knowledge of its force and effect, do
12 hereby surrender my License No. PA-10302 to the Physician
13 Assistant Examining Committee, Medical Board of California, for
14 its formal acceptance. By surrendering my license, I recognize
15 that upon its formal acceptance by the Committee, I will lose all
16 rights and privileges to practice as a physician assistant in the
17 State of California.

18 DATED: 4/9/97

19
20 Jeffrey W. Haines PA-C
21 JEFFREY WILLIAM HAINES, P.A.
Respondent

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1 ENDORSEMENT

2 The foregoing Stipulation in Settlement, Decision and
3 Order is hereby respectfully submitted to the Physician Assistant
4 Examining Committee, Medical Board of California.

5 DATED: 4/11/97

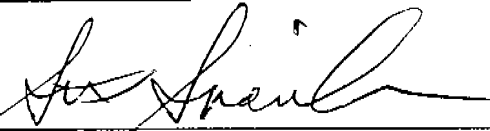
6
7 DANIEL E. LUNGREN, Attorney General
8 of the State of California

9 

10 SAMUEL K. HAMMOND
11 Deputy Attorney General

12 Attorneys for Complainant

13 DATED: 4/8/97

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15 STEVE J. SIMERLEIN, ESQ.
16 Attorney for Respondent

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EXHIBIT A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 RICHARD D. HENDLIN,
Deputy Attorney General
3 State Bar No. 76742
110 West A Street, Suite 1100
4 P.O. Box 85266
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5 Telephone: (619) 645-2071
Attorneys for Complainant
6
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8 **BEFORE THE**
PHYSICIAN ASSISTANT EXAMINING COMMITTEE
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation) Case No. 1E-94-37452
Against:)

13 JEFFREY WILLIAM HAINES, P.A.) **ACCUSATION**
14 10453 Meadowcreek Dr.)
Moreno Valley, CA 92557)
15 Physician Assistant)
16 License No. PA-10302,)
Respondent.)

18
19 COMES NOW complainant Ray E. Dale, who as causes for
20 disciplinary action, alleges:

21 1. Complainant is the Executive Officer of the
22 Physician Assistant Examining Committee, Medical Board of
23 California (hereinafter the "Committee"), and makes and files
24 this Accusation solely in his official capacity as such and not
25 otherwise.

26 **LICENSE STATUS:**

27 2. On or about February 21, 1978, Physician Assistant
28 License No. PA-10302 was issued by the Committee to Jeffrey

1 William Haines and, at all times relevant herein said license
2 was, and currently is, in full force and effect.

3 STATUTES:

4 3. California Business and Professions Code section
5 3527 provides, in pertinent part, as follows:

6 "(a) The committee may order the denial of an
7 application for, or the issuance subject to terms and
8 conditions of, or the suspension or revocation of, or
9 the imposition of probationary conditions upon a
10 physician's assistant license after a hearing as
11 required in Section 3528 for unprofessional conduct
12 which includes, but is not limited to, a violation of
13 this chapter, a violation of the State Medical Practice
14 Act, or a violation of the regulations adopted by the
15 committee or the Board."

16 4. California Business and Professions Code section
17 3531 provides:

18 "A plea or verdict of guilty or a conviction following
19 a plea of nolo contendere made to a charge of a felony or of
20 any offense which is substantially related to the
21 qualifications, functions, or duties of the business or
22 profession to which the license was issued is deemed to be a
23 conviction within the meaning of this chapter. The
24 committee may order the license suspended or revoked, or
25 shall decline to issue a license when the time for appeal
26 has elapsed, or the judgment of conviction has been affirmed
27 on appeal or when an order granting probation is made
28 suspending the imposition of sentence, irrespective of a
subsequent order under the provisions of Section 1203.4 of
the Penal Code allowing such person to withdraw his plea of
guilty and to enter a plea of not guilty, or setting aside
the verdict of guilty, or dismissing the accusation,
information or indictment."

29 5. Title 16 of the California Code of Regulations
30 section 1399.521(a) provides:

31 "In addition to the grounds set forth in section 3527,
32 subd. (a), of the code the committee may deny, issue subject
33 to terms and conditions, suspend, revoke or place on
34 probation a physician assistant for the following causes:

35 ///

1 (a) Any violation of the State Medical Practice Act
2 which would constitute unprofessional conduct for a
physician and surgeon."

3 6. California Business and Professions Code section
4 2234 (a part of the State Medical Practice Act (Bus. and Prof.
5 Code §2000 et seq.)) provides, in pertinent part, as follows:

6 "The Division of Medical Quality shall take action
7 against any licensee who is charged with unprofessional
8 conduct. In addition to provisions of this article,
unprofessional conduct includes, but is not limited to,
the following:

9 "(a) Violating or attempting to violate, directly
10 or indirectly, or assisting in or abetting the
violation of, or conspiring to violate, any provision
of this chapter.

11 "(b) ...

12 "(c) ...

13 "(d) ...

14 "(e) The commission of any act involving
15 dishonesty or corruption which is substantially related
16 to the qualifications, functions, or duties of a
physician or surgeon.

17 "(f) Any action which would have warranted the
18 denial of a certificate."

19 7. Title 16 of the California Code of Regulations
20 section 1399.525 provides:

21 "For the purposes of the denial, suspension or
22 revocation of a license or approval pursuant to division 1.5
23 (commencing with section 475) of the code, a crime or act
24 shall be considered to be substantially related to the
25 qualifications, functions or duties of a person holding a
26 license or approval under Physician Assistant Practice Act
if to a substantial degree it evidences present or potential
unfitness of a person holding such a license or approval to
perform the functions authorized by the license or approval
in a manner consistent with the public health, safety or
welfare. Such crimes or acts shall include, but are not
limited to, the following:

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1 "(a) Violating or attempting to violate, directly or
2 indirectly, or assisting in or abetting the violation of, or
3 conspiring to violate any provision or term of the Medical
4 Practice Act.

5 "(b) Violating or attempting to violate, directly or
6 indirectly, or assisting in or abetting the violation of, or
7 conspiring to violate any provision or term of Physician
8 Assistant Practice Act."

9 8. Business and Professions Code section 490 provides:

10 "A board may suspend or revoke a license on the ground
11 that the licensee has been convicted of a crime, if the
12 crime is substantially related to the qualifications,
13 functions, or duties of the business or profession for which
14 the license was issued. A conviction within the meaning of
15 this section means a plea or verdict of guilty or a
16 conviction following a plea of nolo contendere. Any action
17 which a board is permitted to take following the
18 establishment of a conviction may be taken when the time for
19 appeal has elapsed, or the judgment of conviction has been
20 affirmed on appeal, or when an order granting probation is
21 made suspending the imposition of sentence, irrespective of
22 a subsequent order under the provisions of Section 1203.4 of
23 the Penal Code."

24 9. Business and Professions Code section 493 provides:

25 "Notwithstanding any other provision of law, in a
26 proceeding conducted by a board within the department
27 pursuant to law to deny an application for a license or to
28 suspend or revoke a license or otherwise take disciplinary
action against a person who holds a license, upon the ground
that the applicant or the licensee has been convicted of a
crime substantially related to the qualifications,
functions, and duties of the licensee in question, the
record of conviction of the crime **shall be conclusive
evidence of the fact** that the conviction occurred, but only
of that fact, and the board may inquire into the
circumstances surrounding the commission of the crime in
order to fix the degree of discipline or to determine if the
conviction is substantially related to the qualifications,
functions, and duties of the licensee in question.
As used in this section, "license" includes "certificate,"
"permit," "authority," and "registration."

10 10. Penal Code section 243.4(d), as of August 4, 1992,
11 provided in pertinent part:

12 "(1) Any person who touches an intimate part of another
13 person, if the touching is against the will of the
14 person touched, and is for the specific purpose of

1 sexual arousal, sexual gratification, or sexual abuse,
2 is guilty of misdemeanor sexual battery, punishable by
3 a fine not exceeding two thousand dollars (\$2,000), or
by imprisonment in a county jail not exceeding six
months, or by both that fine and imprisonment."

4 11. Business and Professions Code section 125.3
5 provides, in pertinent part, that the Board may request the
6 administrative law judge to direct any licentiate found to have
7 committed a violation or violations of the licensing act, to pay
8 the Board a sum not to exceed the reasonable costs of the
9 investigation and enforcement of the case.

10 **CHARGES AND ALLEGATIONS:**

11 **CAUSES FOR DISCIPLINE**

12 **FIRST CAUSE FOR DISCIPLINE**

13 (Re: Conviction of Crime of Sexual Battery)

14 12. Respondent has subjected his license to
15 disciplinary action under California Business and Professions
16 Code sections 490, 2234, 3527, 3531 and Title 16 of the
17 California Code of Regulations, sections 1399.521(a) and
18 1399.525, on the grounds of unprofessional conduct, in that he
19 has been convicted of a misdemeanor criminal offense, sexual
20 battery in violation of Penal Code section 243.4, subd. (d),
21 which is substantially related to the qualifications, functions
22 and/or duties of his profession as more particularly alleged
23 hereinafter:

24 A. On or about July 21, 1992, a felony complaint was
25 filed in Municipal Court of Mount San Jacinto Judicial
26 District, County of Riverside (Case No. CR43939; H92F0128);
27 charging respondent with two counts, including violations of
28 Penal Code section 288(a), alleging that on or about

1 September 1, 1987 through July 7, 1989, he wilfully,
2 unlawfully, and lewdly committed lewd and lascivious acts
3 upon and with the body and certain parts and members thereof
4 of two children under the age of fourteen years, with the
5 intent of arousing, appealing to and gratifying the lust,
6 passions, and sexual desires of him and the children.

7 B. On or about July 30, 1992 an information was filed
8 charging one count of violation of section 288(a) of the
9 Penal Code.

10 C. The circumstances relating to the criminal charges
11 are as follows:

12 On or about December 20, 1991, Barbara Haines reported
13 that her two daughters, ages 13 and 14, had been molested by
14 their father, respondent herein. Respondent admitted that
15 the molestations began four years before and that on
16 multiple occasions, he showered with his two daughters and
17 insert his penis between their legs. Respondent also rubbed
18 and inserted his fingers in the vagina of one of the girls.
19 He also had one of the girls sit naked on his lap.

20 D. On or about August 4, 1992, the Information was
21 orally amended to add count 2, a violation of Penal Code
22 section 243.4(d), a misdemeanor. On August 4, 1992,
23 respondent pled guilty and was convicted of one count of
24 violation of Penal Code section 243.4(d), a misdemeanor,
25 [sexual battery]. Pursuant to a plea bargain, the remaining
26 count was dismissed.

27 E. On or about November 4, 1992, respondent was
28 sentenced to three years formal probation upon conditions

1 including, among others, service of 6 days custody, payment
2 of a fine and penalty assessment of \$5,400, and condition
3 number five that he "Not associate with any female minor
4 unless accompanied by a responsible adult approved by the
5 Probation Officer".

6 F. Respondent's conviction is substantially related to
7 the qualifications, functions and/or duties of his
8 profession as a physician's assistant.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Dishonesty or Corruption)**

11 13. Respondent has further subjected his license to
12 disciplinary action under California Business and Professions
13 Code sections 3527 and 2234 (e) on the grounds of unprofessional
14 conduct in that he has committed acts involving dishonesty or
15 corruption which are substantially related to the qualifications,
16 functions, or duties of a physician assistant as more
17 particularly alleged hereinafter:

18 A. On or about October 31, 1995, during the course of
19 an interview at the San Bernardino Office of the Medical
20 Board of California, respondent, with his attorney present,
21 admitted that in 1993 he signed and initialed a form
22 authorizing him to have emergency room privileges at the
23 Kaiser Hospital in Riverside in which he falsely answered
24 and initialed "no" to a question which asked if he had been
25 convicted of any crime. In fact, respondent knew he had
26 been convicted of the crime of sexual battery in 1992.
27 Respondent stated that he didn't report his conviction to
28 his employer, Kaiser Hospital, because he thought he would

1 be terminated based on the conviction. Respondent was
2 suspended by Kaiser and, on July 28, 1995, terminated for
3 lying on the form.

4 B. On November 4, 1992, respondent was placed on
5 probation in the case of *People of the State of California*
6 *vs. Jeffrey W. Haines*, Riverside County Superior Court
7 Criminal Case No. CR-43939. Probation Condition No. 5
8 required respondent "Not to associate with any female minor
9 unless accompanied by a responsible adult approved by the
10 Probation Officer." In disobedience of this condition,
11 respondent associated, saw and treated 20 to 30 female
12 minors at Kaiser up to on or about November 4, 1992, when an
13 Order modifying Probation Condition No. 5 was made.

14 **PRAYER**

15 **WHEREFORE**, complainant requests that a hearing be held
16 on the matters alleged herein, and that following said hearing,
17 the Committee issue its decision and order:

18 1. Revoking or suspending Physician Assistant License No.
19 PA-10302, heretofore issued to respondent Jeffrey William Haines;

20 2. Pursuant to Business and Professions Code section 125.3,
21 ordering respondent to pay to the Committee the reasonable costs
22 of investigation and prosecution incurred in this case; and,

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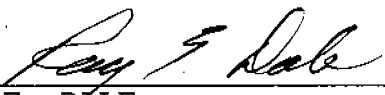
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1 3. Taking such other and further action as the Board deems
2 appropriate to protect the public health, safety and welfare.

3 DATED: August 16, 1996

4
5 
6 RAY E. DALE
7 Executive Officer
8 Physician Assistant Examining
9 Committee
10 Medical Board of California
11 Department of Consumer Affairs
12 State of California

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14 Complainant

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